

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF NORTH CAROLINA
DURHAM DIVISION**

In Re: Jamie Eugene Bitner
Tabitha Michelle Bitner

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Debtor(s)

No: B-10-81206 C-13D

ORDER

This matter coming before the Court upon the Motion of Richard M. Hutson, II, Trustee for the above-referenced Debtors, to modify the Debtors' Plan to provide that insurance proceeds shall pay the claim of Ford Motor Credit on the Debtors' 2010 Ford Focus ("the automobile") due to the automobile being involved in a collision and declared a total loss and there being no filed objection to the Motion within the time period set forth in the Notice issued on June 2, 2011 by the Clerk of Court setting July 5, 2011 as the deadline for filing objections to the Motion, and the Court, after considering the Motion, finds the Motion should be allowed; therefore, it is ORDERED

1. The Debtors' Plan is modified pursuant to 11 U.S.C. §1329.
2. The remaining secured claim of Ford Motor Credit having a principal balance of \$20,700.72 plus interest at the rate of 5.25% per annum from April 30, 2011, be satisfied from insurance proceeds and such proceeds shall be paid by the insurance carrier directly to .
3. Upon receipt of the insurance proceeds, Ford Motor Credit shall release its lien on the automobile and forward the certificate of title to the automobile directly to the insurance carrier.
4. In the event that the insurance proceeds exceed the balance of the secured claim, such remaining proceeds shall be paid to the Trustee for application on the Debtors' Plan.
5. In the event that the balance of Ford Motor Credit's secured claim exceeds the amount of insurance proceeds, Ford Motor Credit shall have 90 days from the entry of this Order within which to amend its allowed unsecured claim to reflect the total deficiency and unsecured balance owed, and if no amended claim is timely filed, the secured claim of Ford Motor Credit shall be deemed satisfied from insurance proceeds.

PARTIES TO BE SERVED
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